

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSE FAJARDO-LAZIL,	:	CIVIL ACTION NO. 3:CV-05-0506
	:	
Petitioner	:	(Chief Judge Vanaskie)
	:	
V.	:	
	:	
BUREAU OF IMMIGRATION AND	:	
CUSTOMS ENFORCEMENT, et al.,	:	
Respondents	:	

O R D E R

NOW, THIS 29th DAY OF JUNE, 2005, having carefully considered the June 2, 2005 Report and Recommendation of Chief Magistrate Judge Thomas M. Blewitt, proposing that, in light of the provisions of the Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231, 311 (2005), this Court transfer to the United States Court of Appeals for the Third Circuit the pro se Petitioner's challenge to the validity of his removal from the United States while retaining jurisdiction over Petitioner's challenge to his continuing detention;

and observing that neither party has filed objections to the Report and Recommendation within the appropriate time limit, despite having been advised of the right to do so;

and having determined that, to the extent that Petitioner challenges the validity of the removal order, transfer of this matter is warranted, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation of Chief Magistrate Judge Blewitt (Dkt. Entry 13) is
ADOPTED.

2. Respondents' Motion to Transfer (Dkt. Entry 11) is **GRANTED**.
3. The Clerk of Court is directed to **TRANSFER TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT** Petitioner's claims challenging the validity of the administrative order directing his removal from the United States.
4. The Clerk of Court is further directed to remand to Chief Magistrate Judge Blewitt Petitioner's claims concerning the validity of his continuing detention.

s/ Thomas I. Vanaskie

Thomas I. Vanaskie, Chief Judge
Middle District of Pennsylvania